

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Eric Lawrence Barsness, John Matthew Santosuosso

Appeal No. _____
Application No. 09/921,332

APPEAL BRIEF

PATENT

IBM/189

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November 20, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric Lawrence Barsness et al. Art Unit: 3622
Application No.: 09/921,332 Examiner: Michael Bekerman
Filed: August 2, 2001
For: ANSWER FULFILLMENT-BASED MARKETING

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

I. REAL PARTY IN INTEREST

This application is assigned to International Business Machines Corporation, of Armonk, New York.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-31 are currently pending in the Application, with claim 32 having been previously canceled. All claims stand rejected, and all are now on appeal.

IV. STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection mailed June 16, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Applicants' invention is generally directed to an apparatus, program product, and method that utilize the concept of "answer fulfillment" as a mechanism to direct advertisements to targeted individuals. In particular, electronic messages, typically accessed from one or more electronic message repositories representative of one or more electronic communities, are electronically analyzed to locate a message that incorporates a query directed to a particular topic of interest. Then, after locating such a message, another electronic message is sent, including both a reply to the query and an advertisement related to the topic of interest to which the query is directed. The electronic message may be sent directly to the originator of the query, or may be sent so as to make the message available to other potential advertisement recipients. Moreover, the reply to the query may include an answer to the query, or may simply direct a recipient to where an answer may be obtained. (Application, page 5, line 2 to page 6, line 2).

Specifically, the claimed subject matter as recited in independent claim 1 is directed to a computer-implemented method of advertising (claim 1), which includes searching a plurality of electronic messages (Application, page 16, lines 15-25, Fig. 4, blocks 114-118) associated with at least one electronic community (Application, page 15, line 30 to page 16, line 3, Fig. 3, block 102) to locate a first electronic message including a query directed to a topic of interest (Application, page 16, lines 15-25, Fig. 4, block 118). The claimed subject matter also includes, subsequent to locating the first electronic message, sending a second electronic message (Application, page 18, lines 14-15, Fig. 5, block 140) including a reply to the query (Application, page 17, lines 13-22, Fig. 5, block 124) and an advertisement related to the topic of interest to which the query is directed (Application, page 18, lines 10-14, Fig. 5, block 138).

With respect to claim 17, the apparatus (Application, page 10, lines 29-31, Fig. 2, block 30) includes a processor (Application, page 11, lines 8-9, Fig. 2, block 31) and program code (Application, page 12, lines 5-10, Fig. 2, block 40) configured to perform the aforementioned steps. Likewise, with respect to claim 31, the program product (Application, page 12, lines 24-29) includes program code (Application, page 12, lines 5-10, Fig. 2, block 40) configured to

perform the aforementioned steps and a computer readable medium (Application, page 12, line 24 to page 13, line 2.¹

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0172415 to Messina et al. (*Messina*).

VII. ARGUMENT

Applicants respectfully submit that the Examiner's rejections of claims 1-31 are not supported on the record, and should be reversed. All such claims have been rejected as being obvious over the prior art cited by the Examiner. A *prima facie* showing of obviousness, however, requires that the Examiner establish that the differences between a claimed invention and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35 U.S.C. §103(a). Such a showing requires that all claimed features be disclosed or suggested by the prior art. Such a showing also requires objective evidence of the suggestion, teaching or motivation to combine or modify prior art references, as "[c]ombining prior art references without evidence of such a suggestion, teaching or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Applicants respectfully submit that, in the instant case, the Examiner has failed to establish a *prima facie* case of obviousness as to claims 1-31, as such, the rejections thereof should be reversed. Applicants' remarks in rebuttal to the Examiner's rejections are presented below, starting with a discussion of independent claims 1, 17 and 31, and continuing with a discussion of various dependent claims reciting additional features that further distinguish such

¹Applicants submit that the foregoing provides ample support for the claimed subject matter under 37 CFR §41.37(c)(1)(v). Moreover, as none of the claims recite any means plus function or step plus function elements, Applicants submit that no identification of such elements is required pursuant to 37 CFR §41.37(c)(1)(v).

claims from the prior art of record. In some cases, specific discussions of particular claims are not made in the interests of streamlining the appeal. The omission of a discussion with respect to any particular claim, however, should not be interpreted as an acquiescence as to the merits of the Examiner's rejection of the claim, particularly with respect to claims reciting features that are addressed in connection with the rejections applied to other claims pending in the appeal.

Independent Claims 1, 17 and 31

Claim 1 generally recites a computer-implemented method of advertising that includes searching a plurality of electronic messages associated with at least one electronic community to locate a first electronic message including a query directed to a topic of interest, and subsequent to locating the first electronic message, sending a second electronic message including a reply to the query and an advertisement related to the topic of interest to which the query is directed.

Of note, by virtue of the fact that claim 1 recites both a "message" and a "query", claim 1, which is directed to "searching a plurality of electronic messages to locate a first electronic message including a query directed to a topic of interest," requires more than simply searching for a message directed to a topic of interest. Instead, that message must include a "query directed to a topic of interest."

In rejecting claim 1, the Examiner relies on *Messina*. The Examiner asserts that *Messina* discloses a crawler module that searches through message boards and news groups posting advertisements in reply to particular messages whenever the messages are relevant to the advertisement. However, the Examiner admits that *Messina* does not disclose an original message containing a query, but relies on the fact that "query detection algorithms" are well known in the art..

Messina, in general, is directed to a tool for automating the posting and retrieval of content in on-line communities. The three primary functions described are that of automating the posting of messages to multiple communities, automating the collection of replies to those messages from the various communities, and automating searching of multiple communities according to a search or fitness criteria (abstract).

The Examiner cites only paragraph [0075] of *Messina*. This paragraph deals with recruiting members to participate in the building of a theme-oriented database or community. In particular, Fig. 5 and paragraphs [0062]-[0066] disclose how a community may be constructed by bringing together information sources, experts and other members related to a particular topic or theme. Fig. 6 and paragraphs [0067]-[0094] describe a flowchart for building such a community, and in this regard, one series of steps in doing so includes identifying, evaluating, and recruiting a set of "candidate" members, which may be web sites and/or individuals related to a particular topic or theme. Paragraph [0074] specifically discusses recruiting or inviting individuals to join the community, in connection with block 602.4 of Fig. 6. Discussed is the option of sending emails or other solicitations to candidates to encourage them to join the community, which solicitations may include promises of financial incentives.

Paragraph [0075] then goes on to discuss the use of a crawler module to post messages to encourage individuals to join the community. The paragraph further states:

[i]n some cases, the messages includes hyperlinks or URLs to the site and some incentive for visiting the website, such as an electronic coupon or gift certificate or bonus access rights to otherwise inaccessible content on the site. Some embodiments even reply directly to specific retrieved postings with such messages. An exemplary message might state that based on the content of your post, you would be interested in the one or more of the following websites, on-line forums, newsgroups, etc.

Of note, this paragraph implies that *Messina* is capable of searching the content of a post and replying with an invitation to visit the theme-based community. Therefore, at the most, *Messina* suggests that the content of a message may be searched and that, based upon the content, a reply may be generated with an advertisement that is related to the searched content.

Messina, however, does not disclose or suggest specifically searching for a first message that includes a query directed to a topic of interest, coupled with sending a second message that includes a reply to the query along with an advertisement related to the topic of interest, as required by claim 1.

Indeed, the Examiner admits that *Messina* does not disclose an original message containing a query. What *Messina* also fails to disclose or suggest, however, is that a second message may be generated with a specific reply to that query. As noted above, claim 1 recites generating a reply to a query, and not simply a reply to a message.

The Examiner attempts to address this shortcoming in *Messina* by relying on Applicants' discussion of query detection algorithms at page 16 of the Application. However, even if query detection algorithms are known in the art, the Examiner has still failed to establish a *prima facie* case of obviousness as to claim 1.

First, even if the Examiner could establish a motivation in the art to modify *Messina* to incorporate a query detection algorithm to search specifically for messages that contain queries, claim 1 additionally requires that a second message be sent including a "reply to the query" along with an advertisement related to the topic of interest of the query. Put another way, the sending of a reply is conditioned upon locating a message including a query. As noted above, claim 1 does not simply refer to generating a reply to the first message – the reply is "to the query" included within the first message. Paragraph [0075] of *Messina* merely notes that "[a]n exemplary message might state that based on the content of your post, you would be interested in the one or more of the following websites, on-line forums, newsgroups, etc.," and there is no suggestion in the reference that the exemplary message might include a specific reply to the query posed in the message being responded to. As such, even the incorporation of a query detection algorithm into the *Messina* system (which Applicants contend is not in fact suggested by the art) would fall short of disclosing or suggesting each and every feature of claim 1, since there has been no evidence presented by the Examiner establishing that it would be obvious to condition the sending of a reply on the results of the query detection algorithm. Accordingly, Applicants respectfully submit that the Examiner's argument in this regard is deficient.

Second, Applicants respectfully submit that the Examiner would necessarily be required to rely on hindsight to modify *Messina* in the proposed manner. A *prima facie* case of obviousness cannot rely on Applicants' specification to provide motivation to modify. In particular, a *prima facie* showing of obviousness requires objective evidence of the suggestion, teaching or motivation to combine or modify prior art references, as "[c]ombining prior art

references without evidence of such a suggestion, teaching or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

In this instance, the Examiner relies solely on Applicants' disclosure for the supposed known status of query detection algorithms to provide evidence of a motivation to modify *Messina*. There is no such suggestion in *Messina*, and no other objective evidence, outside of Applicants' disclosure, has been proffered by the Examiner to support the contention that one of ordinary skill in the art would have been motivated to modify *Messina* to specifically search for queries in messages and to generate messages containing replies to any found queries.

Indeed, the Examiner's argument for modifying *Messina*, found at page 3 of the Office Action states that:

[i]t would have been obvious to one having ordinary skill . . . to restrict Messina's crawler module to reply to only queries using a well-known query detection algorithm to augment the crawler's logic. This would better target a message-board user as one who is seeking advice, so that user might not frown upon an advertisement as a reply. (*emphasis added*).

Of note, the statement underlined above is practically taken directly from Applicants' disclosure, e.g., at p. 5, lines 10-18, which further supports Applicants' position that the only suggestion to modify *Messina* in the proposed manner comes from Applicants' disclosure, and as such, would necessitate the use of hindsight.

Absent reliance on Applicants' disclosure, there is no objective evidence of a suggestion in the art to modify *Messina* to specifically search for messages with queries, or to generate other messages that incorporate replies to those queries along with related advertisements. Applicants therefore submit that no *prima facie* case of obviousness exists with respect to claim 1.

In responding to Applicants' arguments in the final Office Action dated June 16, 2006, the Examiner presents a number of points in rebuttal.

First, the Examiner argues in ¶4 that for a obviousness rejection, "Messina does not need to teach or recite every limitation of the claimed invention." If what the Examiner means is that *Messina* does not need to explicitly disclose every limitation of the invention, the Examiner is

correct. However, as Applicants have noted above, the Examiner does have the burden to establish objective evidence that *Messina*, or some other art of record, suggests that *Messina* could be modified to incorporate those features not explicitly disclosed by *Messina*. As has been shown above, the Examiner has not met this burden.

Second, the Examiner argues in ¶5 that *Messina* does not limit the crawler module to questions, but to all types of posts, and that *Messina* discloses replying to the content of a post. From this, the Examiner argues that *Messina*'s crawler "could" be looking for posts with question marks, and that therefore there is a reason to combine Applicant's admitted prior art with *Messina*. At the outset, Applicants note that the rejection is based solely on *Messina*, and Applicant Admitted Prior Art (AAPA) is not formerly cited as a grounds for rejection. Irrespective of this defect in the rejection, however, the Examiner's prophetic language regarding how *Messina*'s crawler could or could not be used only serves to reinforce the fact that hindsight is being used in the rejection. The Examiner has cited no reference that discloses or suggests searching posts for question marks, much less doing so for the purpose of determining whether to generate a reply to the post. The only motivation the Examiner can find to do so is found in Applicants' disclosure.

It appears that the Examiner is taking the conventionality of query detection algorithms in the abstract, and arguing the conventionality of these algorithms in the specific application recited in claim 1. The fact that query detection may be known in the abstract, however, is not sufficient to motivate one of ordinary skill in the art to apply a query detection algorithm for the specific purpose recited in claim 1. Reading anything further from Applicants acknowledgment in the specification that query detection algorithms are generally known in the art itself requires hindsight, as there has been no evidence proffered by the Examiner of the conventionality of applying a query detection algorithm for the purpose of determining whether to reply to a message. It is only through the benefit of hindsight that one would be motivated to apply a conventional query detection algorithm in the specific application recited in claim 1.

Third, the Examiner argues in ¶6 that paragraph [0075] of *Messina* discloses replying to messages. As Applicants have noted above, however, claim 1 recites replying "to a query" and not simply "to a message."

Fourth, the Examiner apparently argues in ¶7 that the distinction between replying to a message and replying to a query in a message is immaterial, since the content of a post and the content of a reply is "non-functional descriptive material." With this point, the Examiner appears to want to have it both ways. In particular, the Examiner relies on the supposed conventionality of query detection algorithms. Of course, the purpose of a query detection algorithm is to detect a query. Presuming as did the Examiner that a query detection algorithm would detect a query in a post, one can also presume that the same query detection algorithm would also fail to detect a query in another post that did not contain a query. Consequently, from the perspective of the query detection algorithm, the content of the post would not be "non-functional descriptive material," since the query detection algorithm would respond differently depending upon whether or not a query was present in a post. In any event, Applicants are not simply claiming messages containing queries – claim 1 is directed to locating a message that contains a query, an unquestionably functional feature that is entitled to patentable weight.

Applicants therefore respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness as to claim 1, and that the Examiner's rejection should be reversed.

In addition, with regard to independent claims 17 and 31, each of these claims recites in part program code configured to search a plurality of electronic messages associated with at least one electronic community to locate a first electronic message that includes a query directed to a topic of interest, and subsequent to locating the first electronic message, send a second electronic message that includes a reply to the query and an advertisement related to the topic of interest to which the query is directed. Accordingly, claims 17 and 31 are non-obvious over *Messina* for the same reasons as presented above for claim 1, and the rejections thereof should be reversed.

Reversal of the Examiner's rejections, and allowance of independent claims 1, 17 and 31 and of claims 2-16 and 18-30 that depend therefrom, are therefore respectfully requested.

Dependent Claims 2-7, 9-13, 16, 18-22, 24-27 and 30

Dependent claims 2-7, 9-13, 16, 18-22, 24-27 and 30 will not be argued separately.

Dependent Claims 8 and 23

Claim 8 depends from independent claim 1, and additionally recites that the reply included in the second message includes "an answer to the query." Claim 23 depends from independent claim 17 and recites similar subject matter.

In rejecting these claims, the Examiner asserts at p. 3 of the Office Action that "[a]ny reply (Messina's replies identify information sources) to a query is taken to be an answer to that query." The Examiner's argument in this regard, is deficient in several respects.

First, *Messina* discloses only replies to messages, not replies to queries included in messages. The distinction between replying to a message, versus replying to a query in a message, has been discussed above in connection with claim 1. As a further example, it is generally known that communities such as mailing lists typically permit anyone to reply to any message with little or no control over the content of the reply message, and as such, it would be possible for one member of a mailing list to reply to a message posted by another member, with that reply message including an advertisement. While such a reply message would likely constitute a reply to the earlier message, the reply message would not be a reply to a query included in the earlier message.

Second, Applicants have clearly distinguished the concept of an "answer" from a "reply," and as such, the Examiner's assertion that any reply constitutes an answer improperly reads the concept of an answer out of claims 8 and 23. Through the doctrine of claim differentiation, claims 8 and 23, which specify that a reply includes an answer to a query, are necessarily more specific than claims 1 and 17, so it is improper for the Examiner to discount answers as being synonymous with replies. Also, Applicants discuss two primary variations on a "reply to a query" throughout the disclosure, e.g., at p. 5, lines 19-30 and p. 21, lines 6-23. The first variation is to provide as the reply a suitable answer to the question posed by the query. The second variation is to provide as the reply information on how to retrieve a suitable answer from another source. Therefore, it is evident that an answer is not synonymous with a reply, contrary to the Examiner's assertion. An answer, within the context of claims 8 and 23, is required to provide a suitable solution to the question posed by a query within the second message. Neither *Messina*, nor any other art of record, suggests the incorporation of an answer to a query as a

reply. In fact, the only example provided in paragraph [0075] of *Messina* is a reply message that directs a reader to the on-line community if they have an interest in the topic of the on-line community. Even disregarding the fact that the reply message does not provide a reply to any query, there is nothing in the reply message that is analogous to an answer to a particular query.

In responding to Applicants' arguments in the final Office Action dated June 16, 2006, the Examiner does make the additional argument, in ¶8 of the Office Action, that:

any individual who posts to an online message board (community) is inherently asking the question "what do you think about what I have to say". Any response to this inherently asked question would therefore be an answer to that question.

This statement by the Examiner completely disregards the fact that the answer being generated in these claims is for a query that has been programmatically located in another message. The fact that a message processed in *Messina* may or may not have some inherent question is irrelevant to claim 1 given that *Messina* never attempts to process the message to determine whether the message contains that inherent question. Put another way, claims 8 and 23 require both that a message containing a query be located, and that an answer be generated for the query located in that message. *Messina* does not disclose or suggest generating any answer that is a reply to any particular detected query, and to the extent that a message in *Messina* has an inherent message, by the Examiner's admission all messages would have the same inherent message, so there would be no motivation for one of ordinary skill in the art to process any message to determine whether that message contained that supposed inherent message.

Applicants therefore respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness as to claims 8 and 23. Reversal of the Examiner's rejections and allowance of claims 18 and 23 are therefore respectfully requested.

Dependent Claims 14 and 28

Claim 14 depends from independent claim 1, and recites the additional concept of determining whether a query is capable of being answered, such that the second message is sent

only if it is determined that the query is capable of being answered. Claim 28 depends from independent claim 17 and recites similar subject matter.

In rejecting these claims, the Examiner asserts on page 4 of the Office Action that it is inherent that a message posted on an electronic community can be responded to. Applicants submit this position is entirely reliant on hindsight, however, as there is no suggestion in *Messina*, or the other prior art of record, to condition whether a message is generated based upon whether a query that has been located in another message is determined to be capable of being answered.

In fact, there is no suggestion of the desirability of even making such a determination in the first place. The Examiner relies on the supposed conventionality of query detection algorithms, but even if such algorithms were known, they would teach, at the most, the fact that a query can be detected in a message. The algorithms, by themselves, would not suggest the additional step of, once a query is detected, making a determination as to whether the query is capable of being answered. There is also no suggestion from these algorithms to condition the generation of a second message based upon whether a query is capable of being answered. *Messina* quite evidently does not provide any such suggestion, and as such, one of ordinary skill in the art would not be motivated to modify *Messina* as suggested by the Examiner.

Furthermore, Applicants wish to note again that the determination recited in claims 14 and 28 is whether a query is capable of being answered, and not whether a message (even a message including a query) is capable of being answered. The Examiner's arguments improperly assume the latter, as the Examiner's position as to the "inherency" of responding to a message does not even address the concept of responding to a query in a message.

Applicants therefore respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness as to claims 14 and 28. Reversal of the Examiner's rejections and allowance of claims 14 and 28 are therefore respectfully requested.

Dependent Claims 15 and 29

Claim 15 depends from independent claim 1, and recites the additional concept of determining whether the query has already been answered, such that the second message is sent

only if it is determined that the query has not yet been answered. Claim 29 depends from independent claim 17 and recites similar subject matter.

In rejecting these claims, the Examiner acknowledges on page 4 of the Office Action that *Messina* does not disclose this feature, but asserts that it would have been obvious to not answer the same post twice. Applicants submit this position is entirely reliant on hindsight, however, as there is no suggestion in *Messina*, or the other prior art of record, to condition whether a message is generated based upon whether a query that has been located in another message is determined to have already been answered, or even to make such a determination in the first place. In addition, as noted above, there is a difference between an answer to a message and an answer to a query in a message, a difference that the Examiner continues to disregard. In addition, the Examiner's blanket assertion of a motivation lacks any evidentiary support whatsoever, and accordingly, the Examiner's argument improperly relies on hindsight.

Applicants therefore respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness as to claims 15 and 29. Reversal of the Examiner's rejections, and allowance of claims 15 and 29 are therefore respectfully requested.

CONCLUSION

In conclusion, Applicants respectfully request that the Board reverse the Examiner's rejections of claims 1-31, and that the Application be passed to issue. If there are any questions regarding the foregoing, please contact the undersigned at 513/241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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VIII. CLAIMS APPENDIX: CLAIMS ON APPEAL (S/N 09/921,332)

1. (Original) A computer-implemented method of advertising, comprising:
 - (a) searching a plurality of electronic messages associated with at least one electronic community to locate a first electronic message including a query directed to a topic of interest; and
 - (b) subsequent to locating the first electronic message, sending a second electronic message including a reply to the query and an advertisement related to the topic of interest to which the query is directed.
2. (Original) The method of claim 1, wherein sending the second electronic message includes sending the second electronic message to an originator of the first electronic message.
3. (Original) The method of claim 1, wherein searching the plurality of electronic messages includes searching at least one electronic message repository associated with the electronic community.
4. (Original) The method of claim 3, wherein searching the plurality of electronic messages includes searching a plurality of electronic message repositories associated with a plurality of electronic communities.
5. (Original) The method of claim 3, wherein the electronic message repository is accessible by a plurality of individuals, and wherein sending the second electronic message includes posting the second electronic message on the electronic message repository for viewing by the plurality of individuals.
6. (Original) The method of claim 3, wherein searching the plurality of electronic messages includes receiving the plurality of messages from the electronic message repository over a public communications network.

7. (Original) The method of claim 1, wherein searching the plurality of electronic messages includes receiving the plurality of messages based upon membership in the electronic community.

8. (Original) The method of claim 1, wherein the reply includes an answer to the query.

9. (Original) The method of claim 1, wherein the reply identifies to a reader of the second electronic message an information source from which the answer may be obtained.

10. (Original) The method of claim 1, wherein at least a subset of electronic messages in the plurality of electronic messages comprise posts associated with a forum electronic community, and wherein the second electronic message comprises a reply post.

11. (Original) The method of claim 1, wherein at least a subset of electronic messages in the plurality of electronic messages comprise email messages associated with a mailing list electronic community, and wherein the second electronic message comprises a reply email message.

12. (Original) The method of claim 1, wherein at least a subset of electronic messages in the plurality of electronic messages comprise chat messages associated with a chat room electronic community, and wherein the second electronic message comprises a reply chat message.

13. (Original) The method of claim 1, wherein the plurality of electronic messages are associated with at least one electronic community selected from the group consisting of a forum, a chat room, a mailing list, and combinations thereof.

14. (Original) The method of claim 1, further comprising determining whether the query is capable of being answered, wherein sending the second electronic message is performed if it is determined that the query is capable of being answered.

15. (Original) The method of claim 1, further comprising determining whether the query has already been answered, wherein sending the second electronic message is performed if it is determined that the query has not yet been answered.

16. (Original) The method of claim 1, wherein sending the second electronic message includes selecting an advertisement from a plurality of advertisements based upon the query.

17. (Original) An apparatus, comprising:

- (a) at least one processor; and
- (b) program code configured to be executed on the at least one processor to search a plurality of electronic messages associated with at least one electronic community to locate a first electronic message including a query directed to a topic of interest; and, subsequent to locating the first electronic message, send a second electronic message including a reply to the query and an advertisement related to the topic of interest to which the query is directed.

18. (Original) The apparatus of claim 17, wherein the program code is configured to send the second electronic message to an originator of the first electronic message.

19. (Original) The apparatus of claim 17, wherein the program code is configured to search the plurality of electronic messages by searching at least one electronic message repository associated with the electronic community.

20. (Original) The apparatus of claim 19, wherein the electronic message repository is accessible by a plurality of individuals, and wherein the program code is configured to send the second electronic message by posting the second electronic message on the electronic message repository for viewing by the plurality of individuals.

21. (Original) The apparatus of claim 19, wherein the program code is configured to search the plurality of electronic messages by accessing the electronic message repository over a public communications network.

22. (Original) The apparatus of claim 17, wherein the program code is configured to subscribe to the electronic community such that the plurality of messages are received based upon membership in the electronic community.

23. (Original) The apparatus of claim 17, wherein the reply includes an answer to the query.

24. (Original) The apparatus of claim 17, wherein the reply identifies to a reader of the second electronic message an information source from which the answer may be obtained.

25. (Original) The apparatus of claim 17, wherein at least a subset of electronic messages in the plurality of electronic messages comprise posts associated with a forum electronic community, and wherein the second electronic message comprises a reply post.

26. (Original) The apparatus of claim 17, wherein at least a subset of electronic messages in the plurality of electronic messages comprise email messages associated with a mailing list electronic community, and wherein the second electronic message comprises a reply email message.

27. (Original) The apparatus of claim 17, wherein at least a subset of electronic messages in the plurality of electronic messages comprise chat messages associated with a chat room electronic community, and wherein the second electronic message comprises a reply chat message.

28. (Original) The apparatus of claim 17, wherein the program code is further configured to determine whether the query is capable of being answered.

29. (Original) The apparatus of claim 17, wherein the program code is further configured to determine whether the query has already been answered.
30. (Original) The apparatus of claim 17, wherein the program code is configured to select the advertisement from a plurality of advertisements based upon the query.
31. (Once Amended) A program product, comprising:
- (a) program code configured to search a plurality of electronic messages associated with at least one electronic community to locate a first electronic message including a query directed to a topic of interest; and, subsequent to locating the first electronic message, send a second electronic message including a reply to the query and an advertisement related to the topic of interest to which the query is directed; and
 - (b) a computer readable medium bearing the program code.
32. (Canceled).

IX. EVIDENCE APPENDIX

09/921332

None.

X. RELATED PROCEEDINGS APPENDIX

09/921,332

None.